



# COUNTY OF LOS ANGELES

## CLAIMS BOARD

500 WEST TEMPLE STREET

LOS ANGELES, CALIFORNIA 90012

### MEMBERS OF THE BOARD

June 16, 2003

Maria M. Oms  
Auditor-Controller  
Lloyd W. Pellman  
Office of the County Counsel  
Rocky Armfield  
Chief Administrative Office

Honorable Board of Supervisors  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

Re: **Lauryn Johnson, a minor, by and through her Guardian**  
**Ad Litem Tanya Collins, Tanya Collins, Thomas B. Johnson v.**  
**County of Los Angeles**  
**Los Angeles Superior Court Case No. TC 014 531**

Dear Supervisors:

The Claims Board recommends that:

1. The Board authorize settlement of the above-entitled action in the amount of \$2,500,000.00, plus assumption of the Medi-Cal Lien not to exceed \$17,581.19.
2. The Auditor-Controller be directed to draw warrants to implement this settlement from the Department of Health Services.

Enclosed is the settlement request and a summary of the facts of the case.

The Litigation Report, including the Corrective Action Report, is being transmitted to you under separate cover by the Department of Health Services.

Return the executed, adopted copy to Frances Lunetta, Suite 648 Kenneth Hahn Hall of Administration, Extension 4-1754.

Very truly yours,

A handwritten signature in black ink, appearing to read "Maria Oms", is written over a horizontal line.

Maria M. Oms, Chairperson  
Los Angeles County Claims Board

MMO/fs1

Enclosure

**MEMORANDUM**

June 2, 2003

TO: LOS ANGELES COUNTY CLAIMS BOARD

FROM: TODD C. THEODORA, Esq.  
Stephan, Oringer, Richman & Theodora

OWEN L. GALLAGHER  
Principal Deputy County Counsel

RE: Lauryn Johnson, a minor by and through her Guardian Ad Litem  
Tanya Collins, Tanya Collins, Thomas B. Johnson v. County of Los  
Angeles  
Los Angeles Superior Court Case No. TC014531

DATE OF  
INCIDENT: June 28, 2000

AUTHORITY \$2,500,000, Plus Assumption of the Medi-Cal Lien Not to Exceed  
REQUESTED: \$17,581.19

COUNTY  
DEPARTMENT: DEPARTMENT OF HEALTH SERVICES

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CLAIMS BOARD ACTION:

☐

Approve

☐

Disapprove

☐

Recommend to Board of  
Supervisors for Approval

\_\_\_\_\_, Chief Administrative Office  
**ROCKY A. ARMFIELD**

\_\_\_\_\_, County Counsel  
**LLOYD W. PELLMAN**

\_\_\_\_\_, Auditor-Controller  
**MARIA M. OMS**

on \_\_\_\_\_, 2003

## SUMMARY

This is a recommendation to settle for \$2,500,000 the medical negligence lawsuit brought by Lauryn Johnson for the injuries she sustained during her birth at King/Drew Medical Center on June 28, 2000. The State, having paid \$17,581.19 for the provision of Medi-Cal care, has a claim for reimbursement, which will be settled by the County. The mother, Tanya Collins, and the father, Thomas B. Johnson, have a separate cause of action for emotional distress, which is also being resolved by this settlement.

## LEGAL PRINCIPLES

The County is liable for the failure of its hospital and medical staff to provide services consistent with the appropriate standard of care for the circumstances encountered.

## SUMMARY OF FACTS

On June 28, 2000, at 4:39 a.m., Tanya Collins, a 31-year-old woman, pregnant with her third child, at 41 2/7 weeks gestation, was seen at King/Drew Medical Center with complaints of contractions, and an indication that the membranes enveloping the fetus and containing the amniotic fluid had ruptured. At 5:23 a.m., she was admitted to the labor and delivery unit. She was given medication to induce labor (Pitocin), and a vaginal delivery (trial of labor) was planned.

At 7:50 p.m., Tanya Collins experienced a sharp increase in her temperature (spike), a sign of a possible infection. Medical personnel suspected that Tanya Collins was suffering from an infection of the membrane containing the amniotic fluid and the fetus (chorioamnionitis) frequently associated with prolonged membrane rupture, and she was given antibiotics to treat the infection. At this time, fetal monitoring indicated a decrease in the fetal heart rate as measured 10 to 30 seconds after the beginning of a contraction (late deceleration), a sign that the fetus may be in distress due to oxygen deprivation (hypoxia).

At 8:15 p.m., it was noted that Tanya Collins' cervix was only partially dilated, and at 8:20 p.m., an order was made to perform a Cesarean section delivery because of the failure of labor to sufficiently progress for a vaginal delivery, and the presence of chorioamnionitis.

At 8:50 p.m., fetal monitoring again indicated late decelerations.

At 9:10 p.m., Tanya Collins arrived in the operating room. At 9:13 p.m., fetal monitoring indicated an abnormal heart rate pattern in the form of sine waves (sinusoidal pattern), a further indication of fetal distress.

At 9:38 p.m., surgery began. At 9:53 p.m., Tanya Collins gave birth to Lauryn Johnson, a female infant weighing 2,940 grams (6 lbs. 8 oz.). An analysis of blood drawn at the time of

delivery indicated an excessive accumulation of carbon dioxide in her blood (respiratory acidosis), and a high level of acid in her blood (metabolic acidosis), which is evidence that Lauryn Johnson was exposed to extremely low levels of oxygen (hypoxia).

At the time of her birth, Lauryn Johnson was noted to be non-responsive, floppy, and without signs of breathing (respiration). A breathing tube was inserted through the mouth, past the voice box to the breathing passages of the lungs (endotracheal intubation) to ensure continued normal breathing (respiration), restoration of lung function using mechanical ventilation was initiated, and she was resuscitated. Lauryn Johnson was then transferred to the Neonatal Intensive Care Unit (NICU), and placed on a mechanical device for oxygenation of the blood (ventilator).

An imaging study generated by computer synthesis of x-ray data (CT scan) performed on July 5, 2000, and a study of recorded brain wave activity (electroencephalogram [EEG]) performed on July 12, 2000, were interpreted as abnormal, which is evidence that Lauryn Johnson suffered brain damage due to lack of oxygen occurring prior to her delivery.

On July 12, 2000, Lauryn Johnson was discharged. She currently has moderate brain damage, is developmentally delayed, has muscle weakness on the left side of the body (hemiparesis), and will require substantial assistance with the activities of daily living,

#### DAMAGES

If this matter proceeds to trial, the claimant will likely seek the following:

Lauryn Johnson,	
Future Medical and Life Care	\$10,000,000
Loss of Future Earnings	\$ 1,500,000
Pain and Suffering (MICRA limit)	\$ 250,000
Tanya Collins,	
Pain and Suffering (MICRA limit)	\$ 250,000
Thomas B. Johnson,	
Pain and Suffering (MICRA limit)	\$ <u>250,000</u>
TOTAL	\$12,250,000

The proposed settlement includes:

Lauryn Johnson,	
Cash Settlement	<u>\$2,500,000</u>
TOTAL	\$2,500,000

The recommended settlement will be directed by claimants to be used to purchase an annuity. The structure of the annuity will also provide for payment of claimants' attorneys fees.

## STATUS OF CASE

The current trial date has been vacated pending approval of this settlement.

Expenses incurred by the County of Los Angeles in the defense of this case through May 27, 2003, are attorneys fees of \$76,170 and \$56,917.90 in costs.

The total cost to the County of Los Angeles, as a result of this settlement, is as follows:

Indemnity (Settlement Amount)	\$2,500,000.00
County Attorneys Fees and Costs	\$ 133,087.90
Medi-Cal Lien	\$ <u>17,581.19</u>

TOTAL	\$2,650,669.09
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## EVALUATION

Medical experts will be critical of the failure of medical personnel on June 28, 2000, to respond appropriately to the late decelerations occurring at 7:50 p.m., and at 8:50 p.m., and the sinusoidal heart pattern occurring at 9:13 p.m., which were signs of fetal distress, and their failure to perform an immediate (crash) Cesarean section delivery prior to 9:53 p.m., in light of the fetal distress. The failure to perform a crash Cesarean section delivery prior to 9:53 p.m., with evidence of continuing late decelerations and a sinusoidal heart pattern, resulted in an unnecessary delay in delivering Lauryn Johnson, during which she was in continuing distress and subjected to extremely low levels of oxygen, and is directly responsible for the results observed here.

We join with our private counsel, Stephan, Oringer, Richman & Theodora, and our claims administrator, Octagon Risk Services, Inc., in recommending settlement in the amount of \$2,500,000, and payment of the Medi-Cal lien in the amount of \$17,581.19.

The Department of Health Services concurs in this settlement.